

JOHN W. MARKSON
CIRCUIT COURT, BR 1

ALL-STATE LEGAL

EXHIBIT

A

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

DANE COUNTY

2009 APR 21 PM 4:12

WINS EQUIPMENT, LLC
1021 South 27th Street
Caledonia, WI 53108,

DANE CO. CIRCUIT COURT

Plaintiff,

vs.

09CV1955

Case No. _____
Case Code: 30303

RAYCO MANUFACTURING, INC.
4255 Lincoln Way East
Wooster, OH 44691,

Defendant.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Clerk of Dane County Circuit Court, Dane County Courthouse, 215 South Hamilton Street, Room

H:\DOCS\022083\000001\00323679.DOCX
0421091045

1

THIS IS AN AUTHENTICATED COPY OF THE
ORIGINAL DOCUMENT FILED WITH THE DANE
COUNTY CLERK OF CIRCUIT COURT.

CARLO ESQUEDA

1000, Madison, Wisconsin 53703, and to Stafford Rosenbaum LLP, plaintiff's attorney, whose address is 222 West Washington Avenue, Suite 900, P.O. Box 1784, Madison, Wisconsin 53701-1784. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

If you require the assistance of auxiliary aids or services because of a disability, call 608.266.4625 and ask for the Court ADA Coordinator.

Dated: April 21, 2009.

STAFFORD ROSENBAUM LLP

By 

Brian Butler

State Bar Number 1011871

Joseph P. Wright

State Bar Number 1001904

Jon Evenson

State Bar Number 1038314

Attorneys for Plaintiff

222 West Washington Avenue, Suite 900

Post Office Box 1784

Madison, Wisconsin 53701-1784

Email: bbutler@staffordlaw.com

jwright@staffordlaw.com

608.256.0226

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

2009 APR 21 PM 4:12

DANE CO. CIRCUIT COURT

WINS EQUIPMENT, LLC
1021 South 27th Street
Caledonia, WI 53108,

Plaintiff,

09CV1955

vs.

Case No. _____

Case Code: 30303

RAYCO MANUFACTURING, INC.
4255 Lincoln Way East
Wooster, OH 44691,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff, by Stafford Rosenbaum LLP, for its complaint against defendant, alleges:

PARTIES

1. Plaintiff Wins Equipment, LLC ("Wins Equipment") is a limited liability company organized and existing under the laws of the State of Wisconsin with its principal place of business at 1021 South 27th Street, Caledonia, Wisconsin 53108.

2. Defendant Rayco Manufacturing, Inc. is a corporation organized and existing under the laws of the State of Ohio with its principal place of business at 4255 Lincoln Way East, Wooster, Ohio 44691.

THIS IS AN AUTHENTICATED COPY OF THE
ORIGINAL DOCUMENT FILED WITH THE DANE
COUNTY CLERK OF CIRCUIT COURT.

CARLO ESQUEDA
CLERK OF CIRCUIT COURT

GENERAL ALLEGATIONS

3. Wins Equipment and Rayco are parties to a Dealership Agreement dated November 7, 2006. The parties' relationship constitutes a "dealership" as that term is defined in Wis. Stat. § 135.02(3). Rayco is the "grantor" and Wins Equipment the "dealer" of the dealership as those terms are defined in Wis. Stat. § 135.02(5) and (2).

4. Wins Equipment purchases construction machinery and parts from Rayco for resale pursuant to the dealership.

5. The Dealership Agreement grants Wins Equipment an exclusive territory in which to sell Rayco's products.

6. Rayco has sold, and upon information and belief, continues to sell, its products directly in Wins Equipment's exclusive territory.

FIRST CLAIM FOR RELIEF

(Breach of Contract)

7. Plaintiff realleges paragraphs 1 through 6.

8. Rayco has breached the Dealership Agreement by directly selling its products in Wins Equipment's exclusive territory.

9. Rayco's breach has damaged Wins Equipment in an amount to be proven at trial.

SECOND CLAIM FOR RELIEF

(Violation of Wisconsin Fair Dealership Law)

10. Plaintiff realleges paragraphs 1 through 9.
11. Rayco's direct sales in Wins Equipment's exclusive territory constituted a substantial change in the competitive circumstances of Wins Equipment's dealership within the meaning of Wis. Stat. § 135.03, without good cause.
12. Rayco was required under Wis. Stat. § 135.04 to give Wins Equipment 90 days' prior written notice of its intention to make those changes, and to comply with the other requirements of § 135.04. Rayco failed to do so.
13. Rayco's violation of the Wisconsin Fair Dealership Law, Wis. Stat. ch. 135, has damaged Wins Equipment in an amount to be proven at trial.

THIRD CLAIM FOR RELIEF

(Violation of Wisconsin Fair Dealership Law)

14. Plaintiff realleges paragraphs 1 through 13.
15. Rayco's direct sales in Wins Equipment's exclusive territory has effectively destroyed the dealership aspects of the parties' relationship by depriving Wins Equipment of substantially all of the financial and other benefits associated with the dealership. Through its conduct, Rayco has constructively terminated the parties' dealership.
16. Rayco's constructive termination of the dealership has damaged Wins Equipment in an amount to be proven at trial.

WHEREFORE, plaintiff prays for the following relief:

- a. An award of its actual damages in an amount to be proven at trial;
- b. An award of its actual costs of this action, including reasonable attorney fees; and
- c. Such other and further relief as the court may deem just and equitable.

Dated: April 21, 2009.

STAFFORD ROSENBAUM LLP

By 

Brian Butler

State Bar Number 1011871

Joseph P. Wright

State Bar Number 1001904

Attorneys for Plaintiff

222 West Washington Avenue, Suite 900
Post Office Box 1784
Madison, Wisconsin 53701-1784
Email: bbutler@staffordlaw.com
jwright@staffordlaw.com
608.256.0226

JURY TRIAL DEMAND

Plaintiff demands a trial by a jury of twelve (12) persons.